



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

THE MARRIAGES BILL: A SLIPPERY SLOPE

The Islāmic shari'ah is a pure and complete system of life. It covers every facet of our daily lives, bringing peace of mind and contentment of heart. Muslims are taught and familiarised with the various structures around which to live his or her life. Amongst others, these include; beliefs, worship, social interaction, trade, marriage, divorce and inheritance.

Nikāḥ holds a very important position in Islām. Not only is it a form of interaction and pact, but it is a form of worship too. The Noble Qur'ān gives due consideration to living in a wholesome manner so that the entire society can be nurtured and trained in servitude to Allāh Ta'ālā, thereby acquiring His pleasure – the ultimate goal of every believer. Nikāḥ¹, Ṭalāq², 'Iddat³, Nafaqah⁴, Ḥaḍānah⁵ and Mīrāth⁶ are detailed by Allāh Ta'ālā in Sūrah Al-Baqarah, Sūrah An-Nūr, Sūrah At-Ṭalāq and other Sūrahs of the Noble Qur'ān.

Atheists, Feminists and Modernists, on the other hand, feel that sacrosanct matters like Nikāḥ, Ṭalāq, 'Iddat, Nafaqah, Ḥaḍānah and Mīrāth and inheritance are like other mundane affairs that are agreed upon by two parties, without any ramifications in this life and the hereafter. Their objective is only to fulfil their desires. Regrettably, this kind of thinking has already become common in many parts of the world and is fast encroaching upon us.

The principles and subsidiary laws of Nikāḥ, Ṭalāq, 'Iddat, Nafaqah, Ḥaḍānah and Mīrāth are described as the limits [ḥudūd] of Allāh Ta'ālā. When men and women will overstep these limits, they will be oppressing themselves. If men and women transgress the limits regarding Nikāḥ, Ṭalāq, 'Iddat, Nafaqah, Ḥaḍānah and Mīrāth, they will not cause any harm to Allāh Ta'ālā, as He is the All-Powerful and the laws that He has set down are rigid and resolute, in harmony with logic and the nature of a human being.

What is worse is when men and women understand the entire sanctified system of Nikāḥ, Ṭalāq, 'Iddat, Nafaqah, Ḥaḍānah and Mīrāth as detailed in the Noble Qur'ān to be worthy of 'reform' and that these should be squeezed into a secular constitution for implementation in

¹ Marriage

² Divorce

³ Waiting period binding upon a woman after divorce or her spouse's demise

⁴ Maintenance

⁵ Care and Custody

⁶ Inheritance

order to acquire ‘equality’. Whilst this may sound very complex, it is simply an attempt to do away with the divine law under the pretext of living under secular system that ostensibly ‘recognizes’ it.

It is disheartening to note the credence given to the modernist and feminist venture by scholars who seem to wilfully overlook the hard reality that legislature is amended from time to time. In fact, the divine laws will have to be ‘modified’ in order to gain recognition in a secular constitution to begin with.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِيَ الْأَمْرِ مِنْكُمْ فَإِن تَنَزَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ ءَامَنُوا بِمَا أُنزِلَ إِلَيْكَ وَمَا أُنزِلَ مِنْ قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّغُوتِ وَقَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ وَيُرِيدُ الشَّيْطَانُ أَنْ يُضِلَّهُمْ ضَلَالًا بَعِيدًا

«O you who have believed, obey Allāh and obey the Rasūl and those in authority among you. And if you disagree over anything, refer it to Allāh and the Rasūl, if you should believe in Allāh and the Last Day. That is the best [way] and best in result. Have you not seen those who claim to have believed in what was revealed to you, [O Muḥammad], and what was revealed before you? They wish to refer legislation to ṭāghūt, i.e., Shayṭān, while they were commanded to reject it; and Shayṭān wishes to lead them far astray»⁷

This verse of the Noble Qur’ān exhorts us, as Muslims, to refer our matters and disputes for resolution by turning to the sharī’ah. It is therefore incumbent upon every Muslim to adopt this safe and proper course of action and submit to the laws of Allāh Ta’ālā. Doing this will ensure goodness, prosperity and success in this life and the hereafter.

Muslims must not leave their disputes unresolved, nor should they refer them to a disbeliever or someone incapable of passing a ruling according to the sharī’ah. This will make them sinful.

Rasūlullāh ṣallallāhu ‘alayhi wa sallām said, “None of you can be a perfect believer until his desires do not follow that which I have come with.”⁸ This ḥadīth is a definitive blow in the face of the feminist and modernist attack upon Islām.

Most importantly, all Muslim men and women are encouraged to turn to Allāh Ta’ālā in repentance, with a firm resolution to live upon Islām. All praise is for Allāh Ta’ālā, Who has granted us the best way of life. Those who believe and adhere to it will stand to uphold it and defend it from any form of ‘reform’ or ‘change’. Inshā Allāh

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⁷ Sūrah An-Nisā’: 59-60

⁸ Kitāb Al-Ḥujjah